

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

TERRY KURT ODOM

PLAINTIFF

v.

CIVIL ACTION NO.: 1:22-cv-169-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER

Before the court is the plaintiff's Motion to Dismiss Appeal [18] filed on June 27, 2023.

Upon review of the record, Plaintiff's attorney "has found no argument with the substantial evidence rule that is critical for overturning a decision of the Appeals Council."

Appeals from the Social Security Administration may be dismissed pursuant to Federal Rule of Civil Procedure 41. *Payne v. Comm'r of Soc. Sec.*, No. 3:20-cv-138-DMB-JMV, 2021 WL 329891, at *1 (N.D. Miss. Feb. 1, 2021) (citing *Woods v. Soc. Sec. Admin.*, 313 F.App'x 720, 721 (5th Cir. 2009)). Because a subsequent appeal would be time barred, the dismissal operates with prejudice. *Id.* (citing 42 U.S.C. § 405(g)). Under Rule 41(a)(2), in the absence of a notice or stipulation of dismissal, "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." The court, being advised that Plaintiff believes the appeal to be meritless, finds dismissal to be proper. Accordingly, the motion is therefore **GRANTED**. Plaintiff's appeal is **DISMISSED with prejudice**.

SO ORDERED this the 27th day of June, 2023.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE